

IMPORTATION OF PRE-COLUMBIAN SCULPTURE AND MURALS

OCTOBER 13, 1972.—Ordered to be printed

Mr. LONG, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 9463]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the country of origin, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

Amendments numbered 15 and 16:

The committee of conference reports amendments numbered 15 and 16 in disagreement.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
H. E. TALMADGE,
WALLACE F. BENNETT,
CARL CURTIS,

Managers on the Part of the Senate.

W. D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
JOHN W. BYRNES,
JACKSON E. BETTS,

Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9463) to prohibit the importation into the United States of certain pre-Columbian monumental or architectural sculpture or murals exported contrary to the laws of the countries of origin, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendments Nos. 1 through 14: These are clerical amendments. The House recedes.

Amendment No. 15: In this amendment, the Senate added a new title II to the bill, dealing with customs port security, and containing twelve sections. Under this amendment (see section 204), if the Secretary of the Treasury determines that the theft or pilferage of imported cargo or cargo for export has become detrimental to the international trade and commerce of a port of entry he shall (after taking into account certain listed factors and after consultation with various agencies) establish cargo security measures and procedures for terminals of that port of entry. The amendment also provides for identification cards (see section 205), civil penalties for violation of regulations issued pursuant to section 204 (see section 206), the prohibition of lading or unlading in certain cases of repetitive violations (see section 207), judicial review (see section 208), and criminal penalties (see section 209).

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the amendment of the Senate No. 15 with amendments which are technical and clarifying in nature.

The amendments referred to in the preceding paragraph are as follows:

On page 3 of the Senate engrossed amendments, strike out line 20

On page 3, line 21, of the Senate engrossed amendments, strike out "(4)" and insert: (3)

On page 4, line 3, of the Senate engrossed amendments, strike out "(5)" and insert: (4)

On page 5, beginning on line 2 of the Senate engrossed amendments, strike out "to establish such cargo security measures" and insert: *to prescribe regulations establishing such cargo security measures and procedures*

On page 5, line 4, of the Senate engrossed amendments, strike out "at terminals" and insert: *at terminals of such port of entry*

On page 5, line 14, of the Senate engrossed amendments, strike out "notice of" and insert: *regulations setting forth*

On page 5, line 16, of the Senate engrossed amendments, strike out "terminals" and insert: *terminals of such port of entry*

On page 5, line 18, of the Senate engrossed amendments, after "at terminals" insert: *under regulations prescribed pursuant to subsection (a)*

On page 5, line 19, of the Senate engrossed amendments, after "publication" insert: *of such regulations*

On page 6, line 12, of the Senate engrossed amendments, strike out "person" and insert: *individual*

On page 6, line 15, of the Senate engrossed amendments, strike out "person" and insert: *individual*

On page 7, line 1, of the Senate engrossed amendments, strike out "person" and insert: *individual*

Amendment No. 16: Section 516 of the Tariff Act of 1930 permits American manufacturers, producers, or wholesalers to file petitions with the Secretary of the Treasury contesting the appraisement, classification, or rate of duty assessed by the Bureau of Customs with respect to imported merchandise. Senate amendment No. 16 amends such section 516 so as to permit American manufacturers, producers, or wholesalers to file petitions with the Secretary of the Treasury when they believe that countervailing duties should be assessed against imported merchandise under section 303 of the Tariff Act of 1930. The Senate amendment would make available to American manufacturers, producers, or wholesalers the same judicial review procedures with respect to decisions by the Secretary that countervailing duties shall not be assessed as now apply under section 516 with respect to contested appraisements, classifications, and rates of duty. (Under existing law, only importers may obtain judicial review with respect to countervailing duties.)

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the amendment of the Senate with a clerical amendment and with an amendment providing that, in the case of a decision by the U.S. Customs Court or the U.S. Court of Customs and Patent Appeals that countervailing duties should be assessed, merchandise entered after 180 days before such court decision (but in no case before publication of the decision of the Secretary) will be assessed in accordance with the final court decision. The Senate amendment provided that such assessment would apply in the case of merchandise entered after the date of the Secretary's decision.

The amendments referred to in the preceding paragraph are as follows:

On page 11, line 12, of the Senate engrossed amendments, strike out "duty" and insert: *duties*

On page 14, lines 11 and 12, of the Senate engrossed amendments, strike out "after the date of publication of the Secretary's decision" and insert: *after the 180th day before the date of publication of the court decision (but in no case before the day after the date of publication of the Secretary's decision)*

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